IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 33196 of 2006(B)

PETITIONER:

M/S. HAMSAVENI CARBIDES,
NEW INDUSTRIAL DEVELOPMENT AREA, KANJIKODE,
PALAKKAD, REPRESENTED BY ITS MANAGER.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

2. CHIEF ENGINEER (COMMERCIAL),
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

3. SPECIAL OFFICER (REVENUE),
KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM, THIRUVANANTHAPURAM.

4. ASST. EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION,
KERALA STATE ELECTRICITY BOARD, KANJIKODE.

BY STANDING COUNSEL SRI JOSE J. MATHAIKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C).NO.33196 OF 2006

Dated this the 13th day of December, 2006

JUDGMENT

Petitioner was a consumer of electricity. His electricity supply was dismantled on 30/5/2003. The dispute pertains to the period prior to that. As against Ext.P16 order passed by the Special Officer (Revenue) (3rd respondent herein) demanding an amount of Rs.1,02,22,637/-, the petitioner has preferred an appeal Ext.P18 before the Chief Engineer (Commercial), Trivandrum (2nd respondent herein). In such circumstances, the merits of the contention raised in this writ petition cannot be gone into at this stage. Since the petitioner has already invoked the remedy by filing an appeal, he is entitled to raise all such contentions before that authority.

2. Having heard both sides and in the

factual situation, there will be a direction to the 2nd respondent to consider Ext.P18 and dispose of the same in accordance with law, as expeditiously as possible, at any rate within a period of three months. Recovery proceedings pursuant to Ext.P16 will stand stayed on condition that the petitioner pays an amount of Rs.10,00,000/- (Rupees ten lakhs) within a period of one month from today.

Writ Petition is disposed of with the above direction.

P.R.RAMAN,
JUDGE.

kcv.